

REMARKS

Claims 20-24 and 31-41 are now pending in the application. By this paper, Claims 25-30 have been cancelled without prejudice or disclaimer of the subject matter contained therein and Claims 37-41 have been added. The basis for these new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding new claims and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 25, 27, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilkinson (GB 2235780) in view of Brown et al. (U.S. Patent Number 3,343,151).

Claims 25, 27, 28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCain et al. (U.S. Patent Number 4,468,135) in view of Heagle et al. (U.S. Patent Number 5,939,974) or Kail (U.S. Patent Number 5,959,529) and further in view of Brown et al. (U.S. Patent Number 3,343,151).

Claims 25, 27, 28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Butts (U.S. Patent Number 3,690,175) in view of Heagle et al. (U.S. Patent Number 5,939,974) or Kail (U.S. Patent Number 5,959,529) and further in view of Brown et al. (U.S. Patent Number 3,343,151).

These rejections are respectfully traversed.

Applicants respectfully submit that this rejection is moot as Claims 25 and 27-30 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge the allowance of Claims 20-24 and 31-36. The Examiner states that Claim 26 would be allowable if rewritten in independent form. Applicants have cancelled Claim 26 in favor of new Claims 37-41.

NEW CLAIMS

New independent Claim 31 calls for a probe for simulating refrigerated product temperature in a refrigeration display case. The probe includes a housing that is selectively attached to the refrigeration display case by a bracket, which is slidably attached to an outer surface of the housing. The Examiner relied on various combinations of Wilkinson (GB 2235780), McCain (U.S. Patent No. 4,468,135), Heagle et al. (U.S. Patent No. 5,939,974), Kail (U.S. Patent No. 5,959,529), and Butts (U.S. Patent No. 3,690,175) with Brown (U.S. Patent No. 3,343,151) in rejecting now-cancelled Claims 25 and 27-30.

Brown is cited in each combination as teaching an attachment mechanism that mounts a housing of a sensor unit to a refrigeration case. But Brown fails to teach an attachment mechanism that is slidably received by a housing of a probe for mounting the probe to a refrigeration case. Rather, Brown teaches a simulator (10) including a housing (18) that both carries a sensor unit (17) and mounts the simulator to a refrigeration case (22). The housing includes a flange having a pair of fasteners that mount the simulator to a grille (28) of the refrigeration case. See Brown at Col. 4, Ins.

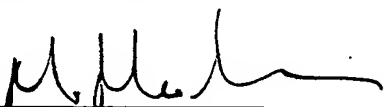
10-31 and FIG. 2. The fasteners are either threadably received by the flange or are inserted in a clearance hole formed in the flange, but are certainly not slidably received by the housing. See Brown at FIG. 2. Therefore, Brown fails to teach a mounting bracket that is slidably received by an outer surface of a housing to mount the housing to a refrigeration case. Accordingly, Applicants respectfully submit that independent Claim 37, as well as Claims 38-41, dependent therefrom, are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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